

**WAKEFIELD METROPOLITAN DISTRICT
COUNCIL**

FAMILY SERVICES

WEST YORKSHIRE POLICE

JOINT INVESTIGATION TEAM PROTOCOL

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1 Introduction

1.1 Purpose

- The purpose of the Joint Investigation Team (JIT) is to improve the efficiency and effectiveness of both the police and social workers in responding to safeguarding issues for children and young people. It is intended to make the best use of the respective skills of both police officers and social workers in:-
 - The investigation of allegations or suspicions of child abuse
 - Information sharing
 - Safeguarding Children
 - Assessing Domestic Violence referrals from the police to Social Care Direct
 - Attendance at Case Conference
 - Attendance at LADO Strategy Meetings
 - Undertake early interventions to take action that prevents an escalation in the seriousness of cases.

- To increase public confidence in the effectiveness of the two agencies in dealing with child abuse in a positive, properly co-coordinated and sensitive manner.
- To improve systems for the completion of joint investigations and assessments in a way that ensures timely plans and actions can be implemented.
- **The JIT will be the team that undertakes the majority of S.47 investigations, the only exceptions to this are where a child / young person is already an open case to a Fieldwork Team. In these circumstances the S.47 should usually be undertaken by the allocated worker or another member of the Fieldwork Team.**
- **In the case of children with disabilities the Strategy Meeting / discussion should include the SCD Team Manager, Police and the allocated Social Worker from the CCCNT, to agree who should lead and undertake the S.47 investigation.**

- **In the case of Looked After Children (LAC) and concerns regarding serious sexual exploitation or cases of organised or complex abuse the Strategy Meeting/ discussion should include**

the SCD Team Manager, Police, the Child Sexual Exploitation Co-ordinator and the allocated Social Worker from the LAC Team to agree who should lead and undertake the S.47 investigation.

1.2 Aims

- The Joint Investigation Team is a joint arrangement between Wakefield MDC Family Services and West Yorkshire Police.
- The overarching principle is to embed good practice into joint working and so ensure a safe and seamless service for children and young people in the Wakefield Metropolitan District.
- The team is committed to raising standards and improving practice by:-
 - Ensuring consistency in joint investigations
 - Implementing the Achieving Best Evidence guidance
 - Scrutinising all Domestic Violence Notifications
 - Conducting timely and effective investigations
 - Attendance at Case Conferences
 - Attendance at LADO Strategy Meetings and agreeing / progressing actions to be taken in relation to allegations against professionals

1.3 Ethos

- A Joint Investigation Team will improve good practice by:-
 - Developing strong and effective professional partnerships that enhance the investigative process
 - Providing opportunities for professionals to make informed assessments and plan appropriate actions
 - Achieving a consistent approach to child abuse investigations
 - Improving communication and cooperation between the agencies
 - Ensuring that the investigation causes minimum distress to the child and allows them to receive the best protection and support through the criminal and civil channels
 - Ensuring the decision to undertake a joint investigation by police and children's social care will be based on what is in the child's best interests

- Always carrying out joint investigations in a way that minimises any stress to the child.

2 Legal Framework

2.1 Children Act 1989

2.1.1 The Concept of Children in Need

- The Children Act 1989 introduced the concept of Children in Need and placed a general duty on local authorities to safeguard and promote the welfare of children within their area who are in need.
- And so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.
- A child in need is defined as a child or young person:
 - who is unlikely to achieve or maintain or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him or her of services by a local authority
 - or whose health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services
 - or who is disabled

2.1.2 The Concept of Significant Harm

- The Children Act 1989 introduced the concept of Significant Harm that justifies compulsory intervention in family life in the best interests of children.
- The Act sets out the duty on the Local Authority to carry out enquiries as to whether a child is at risk of significant harm. The Act also places a duty on other agencies to assist the Local Authority in these enquiries.
- The Local Authority has a duty to act in the following circumstances:-
 - Where the Local Authority has reasonable cause to suspect that the child is suffering or is likely to suffer significant harm,or,
 - Where the Local Authority has already obtained an Emergency Protection Order in relation to the child,

or,

- Where the Local Authority is informed that the child is the subject of an Emergency Protection Order obtained by someone else, or is a child under the protection of the police
- 'Where the question of whether harm suffered by a child is significant in terms of the child's health and development, his health or development shall be compared with that which could reasonably be expected of a similar child

2.2 Children Act 2004

- Section 10 of the Act requires the Local Authority to make arrangements to promote cooperation between the Local Authority and relevant partners.
- Section 11 of this Act requires Children's Services and partner agencies to make arrangements to 'safeguard and promote the welfare of children', with also a duty to cooperate in this regard.
- Section 11 also outlines an approach to safeguarding and promoting the welfare of children that is:-
 - Child-centred
 - Rooted in child development
 - Focused on outcomes for children
 - Holistic in approach
 - Ensuring equality of opportunity
 - Involving of children and families
 - Building on strengths as well as identifying difficulties
 - Multi- and inter-agency in approach
 - A continuing process, not an event
 - Providing and reviewing services
 - Informed by evidence

2.2.1 Working Together to Safeguard Children 2010

- This document provides a framework for working in a way that safeguards children. It emphasises good practice through a multi-agency approach that places the child at the centre of all processes. Working Together is underpinned by S. 17 & S. 47 of the Children Act 1989.

- ‘Working Together’ further defines the concept of significant harm as; ‘a compilation of significant events, both acute and long standing, which interrupt, change or damage the child’s physical and psychological development.’
- ‘Working Together’ emphasises a shared responsibility for the safeguarding and promotion of the welfare of children. Protection of children from significant harm depends on effective joint working between agencies that have different roles and expertise.

2.3 West Yorkshire Safeguarding Children Board Child Protection Procedures

The Safeguarding Children’s Board Child Protection procedures is the key mechanism for agreeing how the relevant organisations in WMDC co-operate to safeguard and promote the welfare of children, and for ensuring the effectiveness of what they do.

Safeguarding includes prevention of significant harm or the risk of significant harm as well as the wider remit of ensuring that every child’s welfare is safeguarded.

2.4 Criteria for initiating a S.47 enquiry and investigation

The criteria for undertaking a S.47 enquiry and investigation are as follows:

(please note the following list is not exhaustive and does not replace professional judgment):-

- a child has been made the subject of an Emergency Protection Order or Police protection
- A breach of a Child Curfew Order on a child under 10 years
- a child makes a clear allegation of abuse
- a child sustains an injury and there is professional concern about how it was caused, i.e. the explanation does not fit with the injury and significant harm is suspected
- a non-mobile infant sustains an injury, e.g. burn, bruise, scald
- a member of the public makes a clear, detailed, credible allegation that someone has abused a child
- an allegation is made that a child under 13 has been involved in penetrative sex or other intimate sexual activity
- where young people under the age of 18 are engaged in sexual activity and there is evidence of significant harm
- there are evidenced concerns a child under 18 is being sexually exploited

- concern exists about a child having contact with a person who may pose a risk, or potential risk, to children
- a child is at risk of being subjected to illegal procedures, for example female genital mutilation or forced marriage
- either an adult or a child makes historical allegations of abuse
- a professional confirms there are suspicions and evidence of fabricated or induced illness
- there are any other circumstances which suggest that a child is suffering or is likely to suffer significant harm

NB: if the threshold for a S.47 investigation is not met then enquiries and assessment should still take place via the undertaking of an Initial Assessment via the responsible team (e.g. ACPT, CCCNT). If there is evidence of significant harm a decision can be made to escalate this to a S.47.

2.5 Abuse of Disabled Children

The available UK evidence on the extent of abuse amongst disabled children suggests that disabled children are at increased risk of abuse, and that the presence of multiple disabilities appears to increase the risk of both abuse and neglect.

The LSCB procedures (Chapter 5.3) contain specific guidance in relation to the undertaking of S.47 investigations and should be read in conjunction with this procedure.

As with non-disabled children, it may not always be clear from the initial contact with a family that there is a child protection issue.

Professionals, the family, the child and others may emphasise other problems and difficulties which may disguise the issue of harm. Thus, the SCD Social Worker receiving the referral should systematically seek information about the identified need and circumstances that have pre-empted the contact. The following questions should also be asked:

- I. What is the disability, special need or impairment that affects the child?
- II. What is the exact nature of the learning disability/physical disability and how does this impact on the child's day to day needs and functionality?
- III. How does the child communicate?
- IV. What additional measures are required in order to communicate with the child/young person?
- V. How does the child/young person communicate happiness/unhappiness?

VI. Has the disability/condition been medically assessed/diagnosed? If so, by whom and when?

Concerns about the welfare of a disabled child should be acted upon in accordance with local procedures, however, given the additional complexities of a child with complex needs additional expertise and support in safeguarding and promoting the welfare of disabled children should be called upon.

STRATEGY DISCUSSION

The SCD Manager and Police Decision maker (CPU) shall consider the specific needs of disabled children and young people during the Strategy Discussion / Meeting. This will be achieved by including the allocated Social Worker or the Team Manager, Children with Complex Care Needs Team (CCCNT), in the Strategy Discussion.

The S.47 investigation will be undertaken by the JIT with the CCCNT providing advice on the specific needs of the child and the most appropriate manner in which to interview the child / young person.

The Joint Investigation Team will liaise with the CCCNT in order to ensure that S.47s consider the specific needs of disabled children and the impact of the disability on the child/young person's ability to communicate and identify any specific vulnerabilities.

If the child / young person is a known case to the CCCNT **the Strategy Meeting / discussion should include the SCD Team Manager, Police and the allocated Social Worker from the CCCNT, to agree who should lead and undertake the S.47 investigation.**

Therefore the JIT will provide the following:-

- Specialist knowledge of safeguarding
- Skills and experience of safeguarding processes
- Application of clear safeguarding standards and procedures

The CCCNT will provide the following:-

- Specialist knowledge about disabled children's needs and circumstances
- Skills in communicating with disabled children
- Knowledge of established relationships with other agencies working with disabled children.

Additional requirements

During the Strategy Discussion consideration should be given to appointing a support social worker to cover any complex issues relating to impairment (e.g. communication aids/interpreter for interview). A child may also require an advocate.

Appropriate preparation in planning a S.47 investigation in respect of a disabled child/young person is crucial. Care must be taken to consider their:-

- Conceptual understanding
- Concentration span
- Impact of the disability/impairment on the alleged child protection concern

Practice guidance in relation to interviewing disabled children is available in:

“Achieving Best Evidence in Criminal Proceedings: Guidance on Vulnerable and Intimidated Witnesses Including Children”.

This should be adhered to when undertaking a criminal investigation.

Of particular relevance to disabled children is the INTERMEDIARY SPECIAL MEASURE, which allows the involvement of an intermediary from the outset of the investigation through to interview and trial.

The role of the Intermediary is to ensure that communication between the child and the criminal justice system is accurate, coherent and complete.

Many disabled children and young people will be eligible for an intermediary.

NB: A S.47 must NOT be discounted on the grounds that a child/ young person may not be able to give a credible account of the alleged harm.

The child’s need for protection must be the paramount consideration and alternative methods to communicate with and understand the child’s world should be considered and put into place to ensure that the S.47 investigation is undertaken.

3 Domestic Abuse Notifications and Referrals

The Police (Safeguarding Unit) and the Social Worker within the Joint Investigation Team will receive and triage all domestic abuse notifications to determine the severity and the potential impact on the child.

Once agreed as appropriate and categorised as a contact i.e. notification the information will be relayed by the Police Officer or Social Worker to Social Care Direct.

This will enable information to be shared in relation to low level domestic abuse, i.e. frequency of occurrences that may lead to an Initial Assessment or S.47 investigation being undertaken.

The notifications will be screened Monday to Friday by the Joint Investigation Team. SCD will screen the notifications out of hours during the weekends and Bank Holidays.

Definition

For the purposes of this protocol the following definitions are used:

Domestic Abuse: Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are or have been intimate partners or family members regardless of gender.

This is the ACPO definition of domestic abuse. Incidents which would otherwise be considered as ones of domestic abuse between people under that age will be recorded by West Yorkshire Police as safeguarding concerns and will be notified or referred to Social Care Direct in accordance with this protocol.

Referral- is when the risk to the child or young person is judged to be high and action is needed by Family Services to undertake an Initial Assessment or a S.47 investigation dependent upon the severity of the need and level of risk.

Notification- these are incidents which do not need an immediate response by Family Services, but will allow Family Services to signpost to support services, recommend a CAF and / or build up a picture of potential need and risk.

Referrals

The following criteria will be used to determine levels of risk that should be managed via a referral.

NB if one of the criteria is met, this should be dealt with by a referral:

- **When a child is used as a shield;**
- **Where the victim is a pregnant woman;**
- **Where the victim is assessed as high risk through DASH risk assessment (Separation, Pregnancy, Escalation, Cultural Awareness, Stalking, Sexual Assault) and there is a child in the household;**
- **When a child is injured;**
- **When a child has called the police;**
- **When a case is referred to MARAC and children are members of the household;**

- **When it is the third incident of domestic violence in a 12 month period;**
- **Where a child under 1 year of age is present in the household;**
- **Child subject to CP/ CIN plan**
- **Alleged perpetrator is subject to MAPPA or VISOR**
- **Where professional judgement is that there are other risks of significant harm to a child.**

When sharing and triaging the information the Police and Social Worker will ensure that the reason and evidence for the criteria(s) being met is clearly recorded.

If the Police Officer attends a domestic abuse incident and is concerned that there are children that need to be immediately safeguarded a referral must be made immediately by telephoning Social Care Direct and following this up in writing via an email.

4 Joint Management and Case Oversight of S.47s

- Day to day supervision of Social Workers during the S.47 will be provided by the SCD Team Manager. It is important that all decisions taken and actions identified are agreed in partnership. This is an important aspect of successful joint investigations and planning.
- Case management remains with the SCD Manager who has responsibility for the Strategy discussion / meetings in collaboration with the Police until the investigations are complete.
- The strategy meeting remains the forum for decisions about the direction of the case.
- The **Police Decision maker** and relevant **SCD Team Manager** will have daily, regular and effective conversations and communications.
- The Detective Inspector and SCD Team Manager will discuss and agree the conclusions and outcome of the S.47 investigation.
- The SCD Manager will be responsible for liaising with the receiving Team Manager (e.g. ACPT, LAC, CCCNT) once the investigations are complete.

5 Outcomes

Following the conclusion of the S.47 investigation, the SCD Manager will liaise with the Team Manager of the potential receiving team. The SCD Manager will discuss the findings of the investigation and will agree with the potential receiving Team Manager the outcome of the investigation and any actions to be undertaken.

The outcomes could be as follows:-

- **Concerns unsubstantiated and no risk of significant harm**
- Outcome of S.47 indicates that the child is a Child in Need and requires transfer to the receiving team.
- Outcome of S.47 has determined that the child is safeguarded and there are no concerns that require statutory involvement. Consider CAF if there are ongoing needs that could be supported by a multi-agency plan.
- Outcome of S.47 has determined that there are no concerns that require statutory involvement and no additional support needs therefore end involvement.
- In the cases of NFA or signpost to CAF the JIT will ensure that the **Core Assessment** is completed.
- **Concerns substantiated and no likelihood of ongoing significant harm, however, additional needs identified that require a social work intervention.**
- S.47 indicates that the child is a Child in Need and requires transfer to the receiving team.
- **Concerns substantiated and ongoing risks of significant harm**
- Agree action to be taken to immediately safeguard the child(ren).
- Request a Case Conference and transfer to the receiving team.

6 Transfer

The JIT will retain case responsibility until the conclusion of the S.47 investigation. Therefore the JIT will be responsible for transferring cases to the receiving team with all the required information and assessments or in the cases of **No Further Action** by Children's Social Care, will be responsible for ending the involvement and referring / signposting to other agencies including CAF as appropriate.

Under no circumstances should any case be transferred unless all of the following are completed by the Social Worker and are recorded on CARE DIRECTOR :-

- Personal details updated and inputted onto CARE DIRECTOR
- Core Assessment record opened and details of the investigation recorded

- Transfer Summary which should include a full and updated contact list of telephone numbers and addresses for all family members and involved professionals and any outstanding tasks
- Clear action with regard to the need to safeguard the child, including action taken and the date of the Case Conference if applicable
- **To ensure that children receive support in a timely manner the case must transfer to the receiving Team Manager within one working day of the conclusion of the S.47 investigation**

7 Case Conferences

The JIT will ensure representation at Case Conferences by the attendance of a Police Officer from the JIT.

Whilst the case will have been transferred to the receiving team (Social Care), the Police will also be required to write a report and attend the Case Conference in order to inform Conference of the outcomes of the investigation, to share information and to participate in the decision making around the need for a Child Protection Plan.

8 Information Sharing

- A Joint Investigation Team will make information sharing more effective with greater opportunities to pool information.
 - It will be easier for the two agencies to liaise with each other about the planning and undertaking of the S.47 investigations.
 - **At times confidential information will have to be shared without consent as follows:**
 - Where there is evidence that, or cause to believe a child may suffer significant harm
- or
- To prevent a serious crime
- ‘Working Together’ states that when sharing information, practitioners need to consider the legal obligations and whether they have a duty of confidentiality to the child.
 - The [Crime and Disorder Act 1998](#) gives the Police a general duty to disclose information to prevent, detect or reduce crime.

9 Team Structure

Social Care Direct Manager - Providing line management and day to day supervision to the Social Workers undertaking the S.47 investigations and management oversight of the S.47 jointly with the Police Detective Inspector / Police Decision Maker.

Social Workers x4 consisting of 2 permanently established posts, with 4 Social Workers provided by ACPT on a rota basis (this includes 2 in reserve) – Conducting joint investigation assessments and screening Domestic Abuse notifications with the Police.

Administrative Support– Administrative support for the Social Workers will be provided by SCD.

Police responsibilities

- Safeguarding Officers in the Joint Investigation Team will routinely share 'relevant' information with partners in the Joint Investigation Team from Family Services and Health (and in due course other agencies) for the purpose of assessing risk and abuse to children who may become the subject of a Section 47 investigation.
- The Police Officers will share information and update Police information systems.
- Police Officers will support The Joint Investigation Team to deliver jointly agreed interventions by the most appropriate agency or agencies in accordance with national and local guidance. The Police Officer's Manager (Detective Inspector CPU) will have a minimum of twice daily dialogue with the SCD Manager to agree the activity of the Joint Investigation Team and actions tasked from it.
- The Police will be responsible for the supervision and support of Police Officers in the Joint Investigation Team and the cases they work on.
- This role extends to the effective management of cases where staff within the Joint Investigation Team cannot agree upon a shared course of action for a given case. In such cases the Detective Inspector (CPU) / Police Decision Maker should liaise with the Social Care Direct Manager to provide an agreed resolution and course of action. Such management should be timely and impartial.
- The Joint Investigation Team will receive Domestic Violence Notifications appropriately graded for joint progression.